

REMARKS

Applicant's attorney thanks Examiner Nguyen for the opportunity to briefly discuss this application. In the interview conducted on May 9, 2005, the Examiner and applicant's attorney discussed the application relative to the cited art. Applicant was invited to formally submit the present amendment.

The Office Action mailed February 4, 2005, rejected Claims 1-7 as being unpatentable over Coureau (FR002550073A1) in view of Powell et al. (U.S. Patent No. 6,612,073). Applicant has amended the application by canceling Claim 1 and presenting a new independent Claim 21 as follows:

21. A stackable planter, comprising:
a plurality of planter trays, each planter tray having at least one planter cup at a periphery for holding soil and an annular inner rib defining a center portion of the planter tray;
wherein the center portion of at least one planter tray has an aperture extending through the bottom of the planter tray;
wherein the center portion of at least one other planter tray has a bottom wall extending across the center portion of the planter tray; and
wherein each of the annular inner ribs of the planter trays have the same shape allowing the planter trays to be stacked in an interchangeable order, such that when stacked, the annular inner ribs of the planter trays define a center portion of the stackable planter having a variable amount of volume, the depth of the center portion of the stackable planter depending on the location in the stackable planter of a planter tray with a bottom wall, whereby one or more plants can be planted in the center portion of the stackable planter.

The Coureau reference does not disclose a combination of planter trays having annular inner ribs, in which at least one planter tray has an aperture through its center portion and another tray has a bottom wall across its center portion, wherein the annular inner ribs of the planter trays

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"have the same shape allowing the planter trays to be stacked in an interchangeable order, such that when stacked, the annular inner ribs of the planter trays define a center portion of the stackable planter having a variable amount of volume, the depth of the center portion of the stackable planter depending on the location in the stackable planter of a planter tray with a bottom wall, whereby one or more plants can be planted in the center portion of the stackable planter."

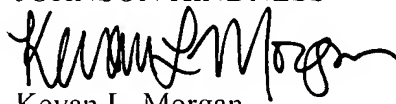
The top tray shown in Figure 3 of Coureau is configured markedly different than the trays below it. The top tray cannot be interchanged with any of the trays below it because the shape of the top tray would not allow it to support any of the trays below it. Coureau does not teach or suggest a stackable planter having annular inner ribs and a center portion with a variable amount of volume as claimed. Nowhere does Coureau suggest the combination set forth in new Claim 21, nor is there any disclosure or motivation supporting a modification of Coureau to achieve the claimed invention in either Powell or the other secondary cited references to Farkas, Watson, Mills, or Lee.

The remaining claims have been amended as appropriate to depend from new Claim 21. Claims 17-20, previously withdrawn from consideration, have been canceled.

The application is believed to be in condition for immediate allowance.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

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